

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAVID M. BAGLEY,
 Plaintiff,

vs.

ROBERT M. BEVILLE, *et al.*,
 Defendants.

Case No. 2:13-cv-01119-JCM-CWH
ORDER

This matter is before the Court on the parties' Joint Unopposed Motion to Modify the Discovery Plan and Scheduling Order (#66), filed on January 15, 2014. The Court has reviewed request and finds that good cause exists to extend the deadlines for ninety (90) days. However, the parties failed to correctly state the standard governing any request for an extension or modification to discovery deadlines. LR 26-4 states, "All motions or stipulations to extend a deadline set forth in a discovery plan shall be received by the Court no later than twenty-one (21) days before the expiration of the subject deadline." The Court will clarify the standards for requesting an extension or modification in accordance with LR 26-4. Additionally, the Court retains the power to set the briefing schedule for any future motions, including a response to an amended complaint. The parties may request modification of the briefing schedule for future motions, but must do so in compliance with LR 6-1 at that time. Finally, the Court noticed some deviations in the proposed dates based on an extension of 90 days and will modify the deadlines to comply with the 90 day extension period.

Based on the foregoing and good cause appearing therefore,

IT IS HEREBY ORDERED that parties' Joint Unopposed Motion to Modify the Discovery Plan and Scheduling Order (#66) is **granted to the extent consistent with this Order and denied to the extent it is inconsistent with this Order.**

1 **IT IS FURTHER ORDERED** that, in order to ensure future compliance with the Local
 2 Rules, **all counsel of record shall submit a notice to the court by January 27, 2014** certifying
 3 that they have reviewed the corrections listed in this order in addition to the following Local Rules:
 4 LR 26-1 and LR 26-4.

5 **IT IS FURTHER ORDERED** that the following dates shall govern discovery:

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|----|---|---------------------------|
| 6 | 1. Discovery cutoff | December 11, 2014 |
| 7 | 2. Motions to amend pleadings and add parties | September 12, 2014 |
| 8 | 3. Expert designations | October 13, 2014 |
| 9 | 4. Rebuttal expert designations | November 12, 2014 |
| 10 | 5. Interim status report | October 13, 2014 |
| 11 | 6. Dispositive motions | January 9, 2015 |

12 **IT IS FURTHER ORDERED** that any extension of the discovery deadline will not be
 13 allowed without a showing of **good cause** as to why all discovery was not completed within the
 14 time allotted. All motions or stipulations to extend discovery shall be received by the Court at
 15 least **twenty-one (21) days** prior to the date fixed for completion of discovery, at least **twenty-**
 16 **one (21) days** prior to the expiration of any extension thereof that may have been approved by
 17 the Court, or at least **twenty-one (21) days** prior to the expiration of the subject deadline. Any
 18 extension or modification of a discovery deadline or subject deadline not filed at least twenty-one
 19 (21) days prior to the date fixed for completion of discovery or the expiration of the subject
 20 deadline must be supported by a showing that the failure to act was the result of **excusable**
 21 **neglect**. The motion or stipulation shall include:

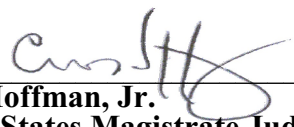
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| 22 | a. | A statement specifying the discovery completed by the parties as of the |
| 23 | | date of the motion or stipulation; |
| 24 | b. | A specific description of the discovery which remains to be completed; |
| 25 | c. | The reasons why such remaining discovery was not completed within the |
| 26 | | time limit of the existing discovery deadline; and, |
| 27 | d. | A proposed schedule for the completion of all remaining discovery. |

28 It is not good cause for a later request to extend discovery that the parties informally

1 postponed discovery. No stipulations are effective until approved by the Court, and “[a]ny
2 stipulation that would interfere with any time set for completion of discovery, for hearing of a
3 motion, or for trial, may be made only with approval of the Court.” *See* LR 7-1(b).

4 **IT IS FURTHER ORDERED** that if no dispositive motions have been filed within the
5 time frame specified in this Order, then the parties shall file a written, joint proposed Pretrial
6 Order by **February 9, 2015**. If dispositive motions are filed, then the parties shall file a written,
7 joint proposed Pretrial Order within 30 days of the date the Court enters a ruling on said
8 dispositive motions.

9 DATED this 17th day of January, 2014

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12 **C.W. Hoffman, Jr.**
13 **United States Magistrate Judge**
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